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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

van der Kuyl et al.

Serial No.: 10/055,728

Filed: January 23, 2002

For: MEANS AND METHODS FOR
TREATMENT EVALUATION

Confirmation No.: 6214

Examiner: S. Bausch, Ph.D.

Group Art Unit: 1645

Attorney Docket No.: 2183-5244US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

November 19, 2004
Date

Signature

Shirley Dougherty
Name (Type/Print)

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This amendment is filed in response to the Restriction Requirement of November 1, 2004.

Claims 1-41 are currently pending in the application and subject to a Restriction Requirement. Applicants elect, without traverse, to prosecute the claims of Group I, claims 12, 14-18, and to prosecute the claims designated "linking claim(s)," claims 1-11, 19-24, 29-34 and 38. (See, Office Action of November 1, 2004, at page 3.)

Applicants note that claims 1-11, 19-24, 29-34 and 38 are also still pending and link the inventions of Group I with the inventions of Group II. (*Id.*) The Examiner states that "the restriction requirement between the linked inventions is subject to the nonallowance of the

linking claim(s)." (*Id.*) Thus, "upon allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn." (*Id.*)

CONCLUSION

In light of the above election of Group I, applicants respectfully request prompt action on the merits. If there are any questions concerning the foregoing, or if the Office should determine that there are additional issues which might be resolved by a telephone conference, the Examiner is respectfully invited to contact applicants' undersigned attorney.

Respectfully submitted,



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Date: November 19, 2004